

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

FILED

MAR 15 1999

SAMUEL L. KAY, CLERK
U. S. District & Bankruptcy Court
Southern District of West Vir.

DONALD S. DRUSKY,

Plaintiff,

v.

Civil Action No. 2:99-0107

THE 100TH U. S. CONGRESS
THRU 105TH CONGRESS,
GOVERNOR, LT. GOVERNOR,
and LEGISLATURES OF THE
FIFTY STATES,
USX CORPORATION and
UNITED STEELWORKERS OF
AMERICA,
U. S. ATTORNEY JANET RENO and
U. S. ATTORNEY FOR EACH U. S.
DISTRICT COURT OF THE EIGHTY-
EIGHT U. S. DISTRICT COURTS OF
THE UNITED STATES OF AMERICA,
THE SOVEREIGN PEOPLE OF THE
UNITED STATES OF AMERICA,
GOD,
GEORGE BUSH,
ALL THE INDIVIDUAL MEMBERS OF
THE U. S. SENATE AND U. S.
HOUSE OF REPRESENTATIVES OF
THE 100TH U. S. CONGRESS,
ED MEESE,
THE GOVERNORS and STATE
ATTORNEY GENERALS, as individuals
of the Fifty States of the United States
of America as of June 1986,
FEDERAL COMMUNICATIONS
COMMISSION,
AMERICAN BROADCASTING COMPANY,
COLUMBIA BROADCASTING COMPANY,
NATIONAL BROADCASTING COMPANY,
FOX BROADCASTING COMPANY, and
CABLE NEWS NETWORK,
as necessary and indispensable parties,

Defendants.

REPORT-RECOMMENDATION

JERRY D. HOGG, UNITED STATES MAGISTRATE JUDGE

MARCH 15, 1999

The plaintiff filed a complaint, *pro se*, on February 10, 1999, together with an "affidavit *in forma pauperis*."

This matter was referred to the undersigned magistrate judge for Report-Recommendation pursuant to 28 U.S.C. § 636 by order entered February 23, 1999.

It is the finding of the undersigned magistrate judge that plaintiff qualifies for *in forma pauperis* status.

The plaintiff seeks to remove from office all of the members of Congress, all of the members of state legislatures, all of the governors of the 50 states. He joins as co-plaintiffs "All the People of the Fifty States of the United States of America." He states that he is filing this action in all of the federal district courts. He, also, requests appointment of counsel.

The complaint is nonsensical and vague. The rambling, disjointed complaint would appear to be the product of a mentally disturbed individual.

28 U.S.C. § 1915(e)(2)(B) provides, in part, that an *in forma pauperis* action may be dismissed at any time if it is frivolous, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief.

It is the finding of the undersigned magistrate judge that the plaintiff's claim lacks an arguable factual and legal basis and is frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B).

It is, accordingly,

RECOMMENDED that the plaintiff's affidavit *in forma pauperis* be granted, that plaintiff's request for appointment of counsel be denied, and that this complaint be dismissed without prejudice as being frivolous within the meaning of 28 U.S.C. § 1915(e)(2)(B).

Plaintiff and defendants are hereby notified that a copy of this **REPORT-RECOMMENDATION** will be submitted to the Honorable John T. Copenhaver, Jr., United States District Judge, and that, in accordance with the provisions of Rule 72(b), Federal Rules of Civil Procedure, the parties may, within 13 days of the date of filing of this **REPORT-RECOMMENDATION**, serve and file written objections with the Clerk of the court, identifying the portions of the **REPORT-RECOMMENDATION** to which objection is made and the basis for such objection. The Judge will make a *de novo* determination of those portions of the **REPORT-RECOMMENDATION** to which objection is made in accordance with the provisions of 28 U.S.C. § 636(b) and the parties are advised that failure to file timely objections will result in a waiver of their right to appeal from a judgment of the district court based on such **REPORT-RECOMMENDATION**. Copies of objections shall be served on all parties with copies of the same to Judge Copenhaver and this magistrate judge.

The Clerk is directed to file this **REPORT-RECOMMENDATION** and mail a certified copy of the same to the named parties.

DATED: March 15, 1999.


JERRY D. HOGG
UNITED STATES MAGISTRATE JUDGE